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OCT 27 2015

October 27, 2015

Federal Communications Commission
Office of the Secretary

PUBLIC REFERENCE COPY

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Petition of Boost Mobile for Limited Designation As An Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, Florida, Maine, New Hampshire, North Carolina, New York, Tennessee, Texas, the Commonwealth of Virginia, And the District of Columbia, Including Tribal Areas

Dear Secretary Dortch:

On behalf of Sprint Corporation and its prepaid wireless brand, Boost Mobile, please find enclosed a redacted public version of Boost Mobile's Petition for Limited Designation As An Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, Florida, Maine, New Hampshire, North Carolina, New York, Tennessee, Texas, the Commonwealth of Virginia, and the District of Columbia, including Tribal Areas. The enclosed petition has been marked "REDACTED – FOR PUBLIC INSPECTION."

Sprint Corporation, on behalf of its prepaid wireless brand Boost Mobile, is also submitting, by hand delivery, a confidential version of the Petition. The confidential version has been marked "SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT – NOT FOR PUBLIC INSPECTION."

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Should you have any questions regarding the foregoing, please contact the undersigned at 202-437-4066 or bstrandberg@hwglaw.com.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'BDS', followed by a horizontal line.

Brita D. Strandberg

Counsel to Boost Mobile



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BY HAND DELIVERY

Federal Communications Commission
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Marlene H. Dortch
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Re: WC Docket No. 09-197; Request for Confidential Treatment of Boost Mobile Petition for Limited Designation As An Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, Florida, Maine, New Hampshire, North Carolina, New York, Tennessee, Texas, the Commonwealth of Virginia, And the District of Columbia, Including Tribal Areas

Dear Secretary Dortch:

Enclosed please find Boost Mobile's Petition for Limited Designation As An Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, Florida, Maine, New Hampshire, North Carolina, New York, Tennessee, Texas, the Commonwealth of Virginia, And the District of Columbia, including Tribal Areas.

Sprint Corporation, on behalf of its prepaid wireless brand Boost Mobile, respectfully requests that, pursuant to 47 C.F.R. §§ 0.457 and 0.459 of the Federal Communications Commission's rules, the Commission withhold from public inspection and accord confidential treatment to Exhibit 3 of Boost Mobile's petition because the documents contain sensitive trade secrets and commercial and financial information that falls within Exemption 4 of the Freedom of Information Act ("FOIA").¹ Sprint Corporation is voluntarily providing this information "of a kind that would customarily not be released to the public"; therefore, this information is "confidential" under FOIA.² Moreover, Sprint Corporation would suffer substantial competitive harm if this information were disclosed.³

¹ 5 U.S.C. § 552(b)(4) & (7).

² See *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871, 879 (D.C. Cir. 1992).

³ See *Nat'l Parks and Conservation Ass'n v. Morton*, 498 F. 2d 765 (D.C. Cir. 1974).

Exhibit 3 is marked accordingly with the header “SUBJECT TO REQUEST FOR CONFIDENTIAL TREATMENT – NOT FOR PUBLIC INSPECTION.”

In support of this request and pursuant to Section 0.459(b) of the Commission’s rules,⁴ Sprint Corporation hereby states as follows:

1. IDENTIFICATION OF THE SPECIFIC INFORMATION FOR WHICH CONFIDENTIAL TREATMENT IS SOUGHT⁵

Sprint Corporation, on behalf of its prepaid wireless brand Boost Mobile, seeks confidential treatment of Exhibit 3 to Boost Mobile’s Petition for Limited Designation as an Eligible Telecommunications Carrier in Alabama, Connecticut, Delaware, Florida, Maine, New Hampshire, North Carolina, New York, Tennessee, Texas, the Commonwealth of Virginia, And the District of Columbia, including Tribal Areas (“Petition”).

2. DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO THE SUBMISSION⁶

Boost Mobile is filing Exhibit 3 to assist the Commission in evaluating the Petition.

3. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION IS COMMERCIAL OR FINANCIAL, OR CONTAINS A TRADE SECRET OR IS PRIVILEGED⁷

The information for which Sprint Corporation seeks confidential treatment contains sensitive trade secrets and commercial or financial information which would customarily be guarded from competitors. Exhibit 3 to Boost Mobile’s Petition contain proprietary commercial information including information about Boost Mobile’s detailed coverage area by wire center.

4. EXPLANATION OF THE DEGREE TO WHICH THE INFORMATION CONCERNS A SERVICE THAT IS SUBJECT TO COMPETITION⁸

Exhibit 3 to Boost Mobile’s Petition contain information relating to commercial and financial matters that could be used by competitors to Sprint Corporation’s disadvantage. Sprint Corporation, through its prepaid wireless brand Boost Mobile, has numerous competitors in the prepaid wireless sector in which it operates. Detailed coverage and related information of the type provided by Sprint Corporation could compromise its position in this highly competitive industry by giving its competitors critical data relating to Sprint Corporation’s Boost Mobile operations. Release would therefore result in substantial competitive harm to Sprint Corporation’s Boost Mobile brand.

⁴ 47 C.F.R. § 0.459(b).

⁵ *Id.* § 0.459(b)(1).

⁶ *Id.* § 0.459(b)(2).

⁷ *Id.* § 0.459(b)(3).

⁸ *Id.* § 0.459(b)(4).

5. EXPLANATION OF HOW DISCLOSURE OF THE INFORMATION COULD RESULT IN SUBSTANTIAL COMPETITIVE HARM⁹

Competitors could use Sprint Corporation's proprietary commercial and financial information to Sprint Corporation's detriment as they would gain access to sensitive and closely-guarded financial and commercial information that is not normally disclosed to the public.

6. IDENTIFICATION OF ANY MEASURES TAKEN BY THE SUBMITTING PARTY TO PREVENT UNAUTHORIZED DISCLOSURE¹⁰

Sprint Corporation has closely guarded the confidentiality of Exhibit 3 to Boost Mobile's Petition.

7. IDENTIFICATION OF WHETHER THE INFORMATION IS AVAILABLE TO THE PUBLIC AND THE EXTENT OF ANY PREVIOUS DISCLOSURE OF THE INFORMATION TO THIRD PARTIES¹¹

Sprint Corporation has not previously disclosed Exhibit 3 to Boost Mobile's Petition.

8. JUSTIFICATION OF THE PERIOD DURING WHICH THE SUBMITTING PARTY ASSERTS THAT MATERIAL SHOULD NOT BE AVAILABLE FOR PUBLIC DISCLOSURE¹²

Sprint Corporation requests that Exhibit 3 to Boost Mobile's Petition be treated as confidential for a period of ten years. This period is necessary due to the sensitive nature of the information in Exhibit 3 to Boost Mobile's Petition.

9. OTHER INFORMATION THAT SPRINT CORPORATION BELIEVES MAY BE USEFUL IN ASSESSING WHETHER ITS REQUEST FOR CONFIDENTIALITY SHOULD BE GRANTED¹³

This information at issue concerns sensitive affiliate coverage data.

⁹ *Id.* § 0.459(b)(5).

¹⁰ *Id.* § 0.459(b)(6).

¹¹ *Id.* § 0.459(b)(7).

¹² *Id.* § 0.459(b)(8).

¹³ *Id.* § 0.459(b)(9).

Should you have any questions regarding the foregoing, please contact the undersigned at 202-730-1346 or bstrandberg@hwglaw.com.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'BDS', with a long horizontal line extending to the right.

Brita D. Strandberg

Counsel to Boost Mobile

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Telecommunications Carriers Eligible to
Receive Universal Service Support

Boost Mobile

Petition for Limited Designation as
An Eligible Telecommunications
Carrier in Alabama, Connecticut, Delaware,
Florida, Maine, New Hampshire, North
Carolina, New York, Tennessee, Texas, the
Commonwealth of Virginia, and the District of
Columbia, Including Tribal Areas

WC Docket No. 09-197

**PETITION OF BOOST MOBILE FOR LIMITED DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER IN ALABAMA, CONNECTICUT, DELAWARE,
FLORIDA, MAINE, NEW HAMPSHIRE, NORTH CAROLINA, NEW YORK,
TENNESSEE, TEXAS, THE COMMONWEALTH OF VIRGINIA, AND THE DISTRICT
OF COLUMBIA, INCLUDING TRIBAL AREAS**

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Filing date: October 27, 2015

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**PETITION OF BOOST MOBILE FOR LIMITED DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER IN ALABAMA, CONNECTICUT,
DELAWARE, FLORIDA, MAINE, NEW HAMPSHIRE, NORTH CAROLINA, NEW
YORK, TENNESSEE, TEXAS, THE COMMONWEALTH OF VIRGINIA, AND THE
DISTRICT OF COLUMBIA, INCLUDING TRIBAL AREAS**

Boost Mobile (“Boost Mobile” or “Boost”), a prepaid wireless brand of parent Sprint Corporation (“Sprint”), pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the “Act”)¹ and Sections 54.201–54.207 of the Federal Communications Commission’s (“FCC’s” or the “Commission’s”) rules,² hereby files this Petition seeking limited designation of its operating entities (the “Boost entities”)³ as Eligible Telecommunications

¹ See 47 U.S.C. § 214(e)(6).

² See 47 C.F.R. §§ 54.201-54.207.

³ Boost Mobile is a brand offering of Sprint Corporation. Boost Mobile is not itself a corporate entity. The terms “Boost Mobile” and “Boost” include the term “Boost entities.” The term “Boost

Carriers (“ETCs”) in Alabama, Connecticut, Delaware, Florida, Maine, New Hampshire, North Carolina, New York, Tennessee, Texas, the Commonwealth of Virginia, and the District of Columbia, including Tribal areas (the “federal default states”). Boost Mobile requests ETC designation for the Boost entities for the limited purpose of offering a Lifeline discount to eligible low-income customers in the federal default states. Boost seeks ETC designation in the geographic areas in every rural and non-rural, incumbent local exchange carrier area where Sprint provides wireless coverage in the federal default states.

As discussed in greater detail below, each Boost entity meets federal statutory and regulatory requirements to be designated as an ETC provider in the federal default states. Boost Mobile is ready and able to provide the services supported by the Lifeline program throughout its designated service area in these states as a facilities-based wireless provider. Boost seeks ETC designation for the Boost entities so that it can enable Lifeline eligible customers to apply their Lifeline discount to existing Boost Mobile plans, providing these customers with additional choices and increased access to competitive wireless plans. Granting ETC status to the Boost entities will benefit the public interest and further the goals of the Lifeline program by enabling Boost Mobile to provide a Lifeline discount to eligible low-income consumers on its affordable and quality telecommunications services.

Sections 214(e) and 254 of the Act and the Commission’s rules expressly authorize the Commission to designate the Boost entities as ETCs. Specifically, Section 214(e)(6) of the Act provides that the Commission may confer ETC status on a common carrier where the carrier’s

entities” refers to the various operating entities seeking limited designation as eligible telecommunications carriers in certain states as outlined in Exhibit 1.

services do not fall subject to the jurisdiction of a state commission.⁴ Boost Mobile provides herewith affirmative statements conclusively proving that all the states in which it seeks ETC designation lack jurisdiction to confer ETC status to Boost Mobile (see *infra* section II.A). Further, the Boost entities meet the statutory and regulatory requirements for ETC designation. And, finally, consumers will benefit from such designation in the form of low-cost, high-quality wireless service and access to a variety of additional features.

The Boost entities satisfy all requirements necessary to be designated an ETC, and it is in the public interest for the Commission to grant this Petition as Boost Mobile will be able to provide low-income consumers in these states with reliable and cost-effective wireless services. Indeed, as expressed below, the requested ETC designation will promote the public interest by providing eligible low-income consumers a choice of a significant, new facilities-based competitor in the marketplace for Lifeline services. Boost Mobile's entry into the Lifeline market will create competitive pressure on all Lifeline providers, resulting in a higher level of service quality, more competitive pricing, and advantageous service options of Lifeline service for eligible consumers in the federal default states.

Accordingly, Boost Mobile respectfully requests that the Commission grant this application on an expedited basis to designate the Boost entities as ETCs in Alabama, Connecticut, Delaware, Florida, Maine, New Hampshire, North Carolina, New York, Tennessee, Texas, the Commonwealth of Virginia, and the District of Columbia, including Tribal areas.

In support of this Petition, Boost Mobile respectfully states as follows:

⁴ See 47 U.S.C. § 214(e)(6).

I. Background

A. Company Overview

Boost Mobile offers prepaid wireless services through corporate entities in each federal default state as indicated in Exhibit 1. Boost Mobile seeks designation of each of the Boost entities for the purpose of providing Lifeline service to eligible customers.

Boost Mobile initially launched service in 2002 in California and Nevada as a mobile virtual network operator on the Nextel iDEN network. After its 2003 acquisition by Nextel, Boost Mobile continued to roll out its services in additional states. In 2005, Nextel and the Boost Mobile brand were acquired by Sprint, and Boost completed its nationwide rollout. As part of the Sprint Prepaid Group, Boost Mobile is an established, nationwide wireless provider with substantial financial and technical capability. As a wholly-owned affiliate of Sprint, Boost Mobile is a facilities-based provider enjoying beneficial use of Sprint's nationwide Sprint 4G LTE Network reaching more than 270 million people. Through Sprint as its parent company, Boost has access to high-quality spectrum, including 800 and 1900 MHz Commercial Mobile Radio Service ("CMRS") licenses and 2.5 GHz CMRS licenses.

Boost Mobile offers exceptional service and value for wireless consumers with prepaid unlimited talk, text, and data plans and without long-term contracts. Boost's plans are among the most competitively priced monthly unlimited plans in the industry. Boost Mobile also offers daily unlimited talk, text, and data plans and data packs. Additional products and services available to Boost customers include international calling, Boost Mobile Wallet, entertainment and social media applications, phone insurance, a referral program, and a phone buyback program. Boost Mobile customers can choose from a wide selection of handsets to meet their needs and budget, from basic flip-phones to the newly released smartphones. Boost handsets and

top up cards are available through national retailers, such as Best Buy, Target, and Walmart, and through thousands of indirect dealer doors. Products and services are also available at BoostMobile.com. Boost's award-winning customer service has been recognized more than eight times.

Boost has recently introduced mobile Wi-Fi hotspot devices and plans that offer the same strong value proposition as its phone plans. Experienced in providing broadband data access to consumers nationwide, Boost Mobile is prepared to help the Commission reach its goal of expanding broadband access to low-income consumers should the Commission decide to support such service as part of the Lifeline program.

Because Boost Mobile already has in place nationwide distribution channels and activation processes, it is ready to offer telecommunications services with a Lifeline discount to low-income consumers. Using its established marketing approach, Boost Mobile advertises the availability and prices of its services through a variety of mediums, including its website, digital advertising, print, billboards, and occasionally television and radio. Boost Mobile offers are also prominently displayed at its more than 10,000 retail locations nationwide.

B. Proposed Lifeline Offering

Boost seeks designation as an ETC so that it can enable Lifeline eligible customers to apply their Lifeline discount to existing Boost plans, providing these customers with additional choices and increased access to competitive wireless plans.

Boost Mobile anticipates that a number of its existing customers would be eligible for and benefit from a Lifeline discount. Boost customer surveys indicate that nearly 60 percent of Boost customers participate in public assistance programs. The average annual household income of a Boost customer is \$25,000, which would qualify a family of three for Lifeline

under current federal guidelines. Approximately 62 percent of Boost customers are employed with another 13 percent temporarily unemployed and looking for work. A full 90 percent of Boost customers rely exclusively on wireless service, making it critically important that these customers are able to maintain service. For these customers, the \$9.25 Lifeline subsidy, provided through an account credit, could be the difference between maintaining and dropping service in a given month.

Lifeline subscribers will be eligible for any of Boost Mobile's core and current market single-line monthly rate plans. Given the competitive environment, these rate plans change periodically. Once a customer selects a plan, the customer may remain on that plan even if it is no longer offered to new customers until the customer decides to select a new plan. Currently, Boost offers several single-line retail plan options, all with unlimited⁵ data, talk, and text. As illustrated in Exhibit 4, the plans differ depending on the number of 3G/4G data gigabytes desired: (1) two gigabytes of 3G/4G data for \$30 per month for automatic payment customers,

⁵ As explained in Boost Mobile's Terms of Service, "Unlimited does not mean unreasonable. If you subscribe to rate plans, services or features that are described as 'unlimited', you should be aware that such unlimited plans are subject to the Prohibited Network Uses detailed below." See Boost Mobile, *Important Service/Product Specific Terms*, ABOUT US – PRODUCT TERMS CONDITIONS, available at <http://www.boostmobile.com/about/legal/terms-conditions/product-terms-conditions/>. Boost Mobile explains further that:

To improve data experience for the majority of users, throughput may be limited, varied or reduced on the network. With certain plans, throughput data speeds will be slowed when data usage exceeds the selected plan's applicable data threshold(s). During this time, data access will continue but maximum speeds will be limited to 2G speeds of 128Kbps or below for the remainder of plan cycle, resulting in slower page loads, downloads, and degraded streaming media. Data speeds will be restored at the beginning of a new plan cycle, or after a plan cycle restart. Data usage can be monitored online in 'MyAccount'. For more information on Boost's network management tools, policies and other related information, please visit boostmobile.com/networkmanagement.

See id.

with the potential to grow to more gigabytes after a specified number of on-time payments;⁶ (2) two gigabytes of 3G/4G data for \$35 per month, with the potential to grow to more gigabytes with on-time payments; (3) 5 gigabytes of 3G/4G data for \$45 per month; or (4) unlimited 4G LTE high-speed data for \$60 per month.⁷ Once a plan's 3G/4G data threshold reached, speeds are reduced to 2G speeds for the remainder of the plan cycle.⁸

Boost proposes to permit its customers to apply the full amount of the Lifeline subsidy to current market single-line monthly rate plans. Boost does not intend to offer service plans specifically designed for Lifeline customers. As such, the plans described herein for Lifeline customers are the same as the plans offered to non-Lifeline customers. Similarly, Lifeline customers will have access to the wide range of handsets and devices available to all Boost customers at the same low rates available to all Boost customers. Boost Mobile also has daily unlimited plans, international plans, Wi-Fi hotspot plans, and Data Packs that will not be eligible for use with the Lifeline subsidy.

II. ETC Designation

A. The Commission Has the Authority to Perform the Requested Designations

While the authority to designate ETCs traditionally falls on state utility commissions, Sections 214(e) and 254 of the Act authorize the FCC to designate each Boost entity as an ETC in Alabama, Connecticut, Delaware, Florida, Maine, New Hampshire, North Carolina, New

⁶ As explained on Boost Mobile's website, customers become eligible for "500MB of extra high-speed data after every 3 on-time payments. Up to 3GB after 18 on-time payments. So the longer [customers] stay with Boost, the more high-speed data [customers will] have for streaming, sharing, gaming and more." Boost Mobile, *Only Boost grows your data plan*, NEW! ONLY BOOST GROWS YOUR DATA PLAN, available at <http://www.boostmobile.com/shop/plans/growing-data/>.

⁷ Once the 3G/4G data allotment is exhausted, unlimited data is available on the 2G network.

⁸ See Boost Mobile, *Important Service/Product Specific Terms*, ABOUT US – PRODUCT TERMS AND CONDITIONS, <http://www.boostmobile.com/about/legal/terms-conditions/product-terms-conditions/>.

York, Tennessee, Texas, the Commonwealth of Virginia, and the District Of Columbia, including Tribal areas. Specifically, Section 214(e)(6) of the Act provides that the Commission may confer ETC status on a common carrier where the carrier's services do not fall subject to the jurisdiction of a state commission. In the instant petition, Boost Mobile supplies affirmative statements from all the states in which it seeks ETC designation that these states lack the authority to perform the requested designations for wireless carriers. Those statements are attached hereto at Exhibit 2.

Specifically, Boost Mobile submits affirmative statements from state commissions in the identified states showing that each lacks jurisdiction to confer ETC status. Boost Mobile submits copies of the following orders and correspondence:

The Alabama Public Service Commission issued an order finding that its "jurisdiction to grant Eligible Telecommunications Carrier status for universal service purposes does not extend to providers of cellular services, broadband personal communications services, and commercial radio services," and that "wireless providers seeking ETC status should pursue their designation request with the FCC."

The Connecticut Department of Public Utility Control provided a letter confirming that it lacks jurisdiction over wireless ETC petitions.

The Delaware Public Service Commission issued an order clarifying that as a "federal default state" it does not administer its own ETC program.

The District of Columbia confirmed by letter that it lacks jurisdiction to designate wireless carriers as ETCs.

The Florida Public Service Commission acknowledged by letter that "the revision to Chapter 364, Florida Statutes, changed the Commission's jurisdiction regarding

telecommunications companies.” The letter confirmed that “the Federal Communications Commission, rather than this Commission is the appropriate agency to consider . . . [bids] for ETC status.”

On June 13, 2013, the Maine PUC issued an order amending Chapter 206 of its rules and stated that the PUC “will no longer certify carriers that apply for ETC designation for the sole purpose of offering Lifeline, Link-Up, or other low-income program benefits. Going forward, such carriers will apply to the [FCC] for ETC designation.”

The General Counsel of the New Hampshire Public Utilities Commission issued a letter confirming that the PUC lacks jurisdiction to consider petitions for ETC status filed by mobile radio communication carriers.

The New York Public Service Commission confirmed by letter that it lacks jurisdiction to entertain Boost Mobile’s ETC petition.

The North Carolina Utilities Commission released an Order concluding that “the Commission lacks jurisdiction over CMRS services and the appropriate venue for the designation of ETC status for such services is with the FCC.”

The Tennessee Regulatory Authority issued an order finding that its statutory “lack of jurisdiction over CMRS providers” precludes it from processing ETC petitions.

In November 2012, the Texas Public Utility Commission released an order that relinquishes ETC designation for CMRS providers within the State of Texas to the FCC.

The Virginia State Corporation Commission issued an order stating that it “has not asserted jurisdiction over CMRS carriers,” and that wireless ETC applicants “should apply to the Federal Communications Commission.”

Also, Boost Mobile is seeking ETC designation for the Boost entities in the Tribal areas

throughout its service territory in the identified states.

Accordingly, for each of the above states, Boost Mobile requests that the Commission exercise its authority under Section 214(e)(6) and determine that it is not subject to a state commission's ETC jurisdiction.

B. Each of the Boost Entities Satisfies All Requirements Necessary to Be Designated an Eligible Telecommunications Carrier

In order to receive an ETC designation, Section 214(e)(1) of the Act and Section 54.201(d) of the Commission's rules provide that a petitioning carrier must:

1. be a common carrier;
2. offer all of the services supported by federal USF support mechanisms;
3. either use its own facilities or a combination of its own facilities and the resale of another carrier's services, except where the Commission has forbore from the "own facilities" requirement;
4. advertise the availability and pricing of its universal service support qualifying services; and
5. comply with all of the relevant regulations applicable to ETCs.

1. The Boost Operating Entities Qualify as Common Carriers

The Boost operating entities are common carriers because they each provide interstate and foreign communications by radio⁹ and qualify as a Commercial Mobile Radio Service ("CMRS") provider.¹⁰ In addition, section 332(c)(1)(A) of the Act states that CMRS providers will be regulated as common carriers.¹¹

⁹ The Act defines a common carrier as "any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio . . ." 47 U.S.C. § 153(11). The Act further defines a "person" to include "an individual, partnership, association, joint-stock company, trust, or corporation." 47 U.S.C. § 153(39).

¹⁰ See 47 C.F.R. § 20.3.

¹¹ See 47 U.S.C. § 332(c)(1)(A).

2. Boost Mobile Offers the Services and Functionalities Supported by the Federal Low-Income Universal Service Program¹²

Boost Mobile will offer all of the services and functionalities supported by the federal low-income Universal Service program. Boost seeks limited designation as an ETC to provide Lifeline service in the wire centers provided in Exhibit 3. As described below, Boost Mobile certifies that it provides voice telephony service supported by federal universal service support mechanisms, including the following capabilities:

1. Boost Mobile will provide each of the services supported by the federal Universal Service Fund (“USF”) immediately upon its launch of Lifeline services in each federal default state. These services include voice grade access to the public switched telephone network, local usage, dual tone multi-frequency signaling or its functional equivalent, single-party service or its functional equivalent, as well as access to emergency services, operator services, interexchange services, and directory assistance.
2. As noted herein, Boost Mobile’s proposed Lifeline offering will include varying rate plans with different amounts of local usage.
3. Boost Mobile will provide its Lifeline subscribers with 911 and E911 access, regardless of activation status and availability of minutes. It will provide its Lifeline subscribers with E911-compliant handsets and replace, at no additional charge to its subscribers, noncompliant handsets of Lifeline-eligible subscribers who obtain Lifeline-supported services.
4. As the Commission has changed its definition of “supported services” for purposes of USF reimbursement, ETCs are no longer required to offer toll limitation service to

¹² 47 C.F.R. § 54.201(d).

low-income consumers if the Lifeline offering provides a set amount of minutes that does not distinguish between toll and non-toll calls.¹³ Boost Mobile's proposed Lifeline offering meets this requirement and therefore, Boost Mobile will not offer toll limitation.

3. Boost Mobile Will Provide the Supported Services Using Its Own Facilities

Boost Mobile service is provided exclusively on the Sprint Nationwide Network.

Boost Mobile does not purchase or resell the network service of any carrier. The Boost operating entities are wholly-owned subsidiaries of Sprint, which is a facilities-based wireless telecommunications carrier with its own switching, cell sites, and associated telecommunications facilities throughout its proposed service areas and therefore, meets the applicable facilities-based requirements for ETCs.¹⁴ Sprint uses radio licenses issued by the Commission to provide CMRS and will use its own network facilities to provide Lifeline service to eligible consumers in its requested ETC service area.

4. Boost Mobile Will Provide Service Throughout Its Designated Service Area

Boost Mobile commits to provide Lifeline service, including all of the supported services, throughout its designated service area, consistent with all applicable requirements. Boost Mobile's requested designated ETC service area is its wireless coverage area, which includes the wire centers identified in Exhibit 3. The proposed designated wire centers include federally

¹³ See *Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11, ¶ 230 (rel. Feb. 6, 2012).

¹⁴ 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1). See *Virgin Mobile USA, L.P. Petition for Designation as an Eligible Telecommunications Carrier in the States of Alabama, Connecticut, District of Columbia, Delaware, and New Hampshire*, WC Docket No. 09-197, Order, ¶15 (rel. Dec. 29, 2010).

designated Tribal lands, as discussed above.

5. Boost Mobile Will Advertise the Availability and Pricing for its Universal Service Qualifying Offerings

Boost Mobile engages in national and local advertising for all of its services, including those that will be supported by federal universal service support mechanisms pursuant to 47 USC § 254(c) if this Petition is granted. In states in which Boost Mobile will be designated as an ETC and will offer services supported by federal universal service support mechanisms pursuant to 47 USC § 254(c), Boost Mobile will offer such services under its Boost Mobile brand. Boost Mobile advertises its brand offering in national and local media of general distribution including television, radio, print, billboards, and the Internet. Samples of digital and print advertisements and other marketing materials for Boost Mobile are attached hereto as Exhibit 4.

6. Boost Mobile Will Satisfy its Statutory Obligations as an ETC

a. Certify Compliance with Applicable Requirements

Boost Mobile certifies that it will comply with the service requirements applicable to the support that it receives and the services it provides.¹⁵ Boost Mobile will provide service on a timely basis and within a reasonable period of time as required by § 54.202(a)(1)(i)(A), (B). See Exhibit 5, which contains Boost Mobile's certification of this response.

b. Ability to Function in Emergency Situations

As a wholly-owned subsidiary of Sprint, Boost Mobile is able to remain functional in emergency situations as required by section 54.202(a)(2) of the FCC's regulations (47 CFR § 54.202(a)(2)). Sprint has established a variety of internal programs, policies, and teams dedicated to analyzing, assessing, and responding to emergency situations. Sprint's response to emergencies

¹⁵ See 47 C.F.R. § 54.202(a)(1)(i).

is dynamic, and plans are in place to address the specific conditions, geographic impact, and other factors presented by each emergency. Sprint has maintained its network in the face of natural disasters (e.g., hurricanes, blizzards, floods, and earthquakes), utility emergencies such as black-outs, and special events involving a congregation of tens of thousands of people (e.g., sporting events, political rallies). Sprint local switching offices are staffed by trained technicians and management, who coordinate with these larger Sprint operation centers, to ensure that Sprint's networks are properly maintained and network performance is at expected levels. In addition, Sprint has reasonable amounts of back-up power to ensure functionality without an external power source, and has implemented reasonable practices to reroute traffic around damaged facilities and manage traffic spikes resulting from emergency situations. Finally, each cell site in the Sprint network is equipped with battery back-up power, and the company is capable of rerouting traffic around damaged facilities.

c. Consumer Protection and Service Quality Standards

Boost Mobile has complied with the CTIA-The Wireless Association® Consumer Code for Wireless Service ("Consumer Code") since its inception and will continue to comply with the Consumer Code once designated as an ETC.¹⁶ Boost Mobile annually certifies its compliance with the Consumer Code, and the Commission and the FCC recognize the value of such compliance. In prior years, Boost Mobile has received numerous awards for its high-quality customer service, including the prestigious J.D. Power award recognizing Boost Mobile as a "2014 Customer Champion."

In addition, Boost Mobile will provide service to any customer making a reasonable request for service throughout its designated service areas.

¹⁶ Boost Mobile's compliance with the Consumer Code also satisfies its obligations under the FCC's regulations. *See* 47 C.F.R. § 54.202(a)(3).

To ensure that customers receive uninterrupted access to 911 emergency and customer care services, Lifeline customers will be able to access 911 emergency and customer care services regardless of whether they have any remaining minutes in their account. In addition, minutes used for calls placed to 911 emergency services and Boost Mobile customer care are not decremented from a customer's account. The terms of Boost Mobile's proposed Lifeline offering are detailed above in this Petition.

d. Financial and Technical Capability to Provide Lifeline Service and Information on Lifeline Service Offering

Boost Mobile has the financial and technical capability to provide Lifeline service and information on its service offerings. Boost Mobile has provided service since 2002. As demonstrated herein, Boost Mobile, through its parent company Sprint, is a well-established facilities-based wireless telecommunications carrier with a history of providing service to non-Lifeline customers and does not intend to rely exclusively on USF disbursements. Boost Mobile receives revenue from several non-USF sources.

Boost Mobile has not been subject to ETC-related enforcement action or ETC revocation proceedings in any state. Boost Mobile has also not been subject to any FCC enforcement action. Moreover, Boost Mobile's parent company is a holder of numerous FCC CMRS licenses. Deploying a facilities-based wireless communications network such as Boost Mobile's requires considerable financial and technical capability. In addition, as a CMRS licensee through its parent company, Boost Mobile has independent obligations and incentives to comply with Commission rules.

In sum, as a licensed carrier with a well-established track record of providing quality mobile voice and data services to non-Lifeline customers, Boost Mobile has made the requisite showing of financial and technical capability.

C. Boost Mobile Will Guard against Waste, Fraud, and Abuse

Boost Mobile will implement the Commission's existing and any new procedures to prevent customers from receiving duplicate service, ensure customer eligibility, and re-certify continued customer eligibility.

During the activation process, applicants for Lifeline service will be required to complete a Boost Mobile Lifeline application. The application will be reviewed in real-time, and a decision will be rendered at the point of sale within 5-10 minutes by a third-party eligibility administrator. The applicant will be required to provide on the application form all information mandated by regulation, including their name, residential address, date of birth, and the last four digits of their Social Security number. The application will also be required to indicate the relevant eligibility criteria, including providing proof of eligibility in states that do not make a database available for eligibility verification purposes. The applicant will be required to provide proof of identity and address that must match the information on the application. The enrollment form will include an applicant certification section wherein each applicant must attest and sign under penalty of perjury that the applicant meets the relevant Lifeline eligibility criteria to receive service from Boost Mobile.

Boost Mobile will check all Lifeline applicants against the National Lifeline Accountability Database ("NLAD") to validate identity and ensure the customer is not currently receiving a Lifeline discount or is eligible for transfer of the discount. Boost Mobile will also interface with available state databases to verify customer eligibility based on program participation and/or income. If the applicant is determined eligible, his/her identity is validated by NLAD, and the applicant is eligible for enrollment through NLAD. Boost Mobile will, in turn, approve the customer for a Lifeline discount at the point of sale. In summary, Boost Mobile will

ensure that its verification procedures are thorough, effective, and compliant with Commission requirements.

III. Boost Mobile Will Make Valuable Lifeline Offerings Available to Low-Income Consumers

Following its designation as an ETC, Boost Mobile will make available to qualified low-income consumers a discounted, facilities-based service offering that meets all applicable Lifeline requirements. Consumers increasingly rely on their mobile phones for all of their communications needs, and qualifying low-income consumers are no exception. Low-income consumers would be the beneficiaries of Boost Mobile's service offerings. Indeed, Boost Mobile proposes to pass through the full amount of the Lifeline discount to customers on its retail service plans, providing low-income consumers with the opportunity to apply Lifeline discounts to more robust plans that are competitive in the prepaid marketplace. As it does so, Boost Mobile will implement its Lifeline service offerings consistent with all applicable requirements.

IV. ETC Designation for Boost Mobile Will Promote the Public Interest

Section 54.202(b) of the Commission's rules mandates that ETC designations serve the public interest. In considering whether any designation is in the public interest, "the Commission shall consider the benefits of increased consumer choice, and the unique advantages and disadvantages of the applicant's service offering."¹⁷ First, Boost Mobile's service offers increased consumer choice and has unique advantages for consumers in the geographical areas served. For example, Boost Mobile's service provides a low-cost, reliable alternative to traditional rate plans. It allows customers to rely on the extensive network of its parent company, while taking advantage of Boost Mobile's additional features and services

¹⁷ 47 C.F.R. § 54.202(c).